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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Edward Michael Silver et al. **Group Art Unit:** 2642

Application No.: 09/893,910

Examiner: Quynh H. Nguyen

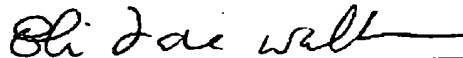
Filed: June 29, 2001

Title: "System and Method for Viewing Contents via
A Computer Network During a Telephone Call"

37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION

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January 12, 2007

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**REQUEST FOR RECONSIDERATION IN RESPONSE
TO THE OFFICE ACTION MAILED ON JULY 14, 2006
& PETITION FOR EXTENSION OF TIME**

This Request for Reconsideration is filed in reply to the Office Action mailed on July 14, 2006, and it is believed to place the above-identified Application in condition for allowance. Further, Assignee respectfully petitions for a three month extension of time (i.e., January 14, 2007).

Assignee responds as follows:

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Request for Reconsideration In Response to the July 14, 2006 Office Action*

REQUEST FOR RECONSIDERATION

In response to the Office Action mailed on July 14, 2006 (the "Office Action"), Assignee respectfully requests reconsideration based on the following remarks. Assignee respectfully submits that all pending claims (1-36) are in condition for allowance.

The United States Patent and Trademark Office (the "Office") rejected claims 1-3 and 6-35 under 35 U.S.C. § 102(b) as being anticipated by *Lund* (U.S. Patent No. 5,978,806), rejected claims 4-5 and 36 under 35 U.S.C. § 103(a) as being unpatentable over *Ginsberg* (U.S. Patent No. 6,064,730) in view of *Greenberg* (U.S. Patent No. 6,791,974). The Assignee shows, however, that the pending claims (claims 1-36) are not fully disclosed in the cited references nor are the pending claims anticipated, nor obviated, by the cited references. Thus, the Assignee respectfully submits that the pending claims are ready for allowance and requests reconsideration. *See also*, MPEP §§ 714.12 and 714.13.

§102 Rejection:

The Office rejected claims 1-3 and 6-35 under 35 U.S.C. § 102(b) as being anticipated by *Lund*. A claim is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, the reference to *Lund* fails to include every element of the pending claims. The reference to *Lund*, then, does not anticipate this invention, and Assignee respectfully requests that Examiner Nguyen remove the 35 U.S.C. § 102 (b) rejection.

Lund does not anticipate the claimed subject matter. Independent claims 1, 12, 21, and 29 disclose subject matter that includes displaying contents of a source computer via a computer network having a communications link with a display device or with equipment associated with a party of a telephone call. U.S. Patent Application No. 09/893,910 (emphasis added by Assignee).

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The USPTO rejected claims 1, 21, and 29 asserting:

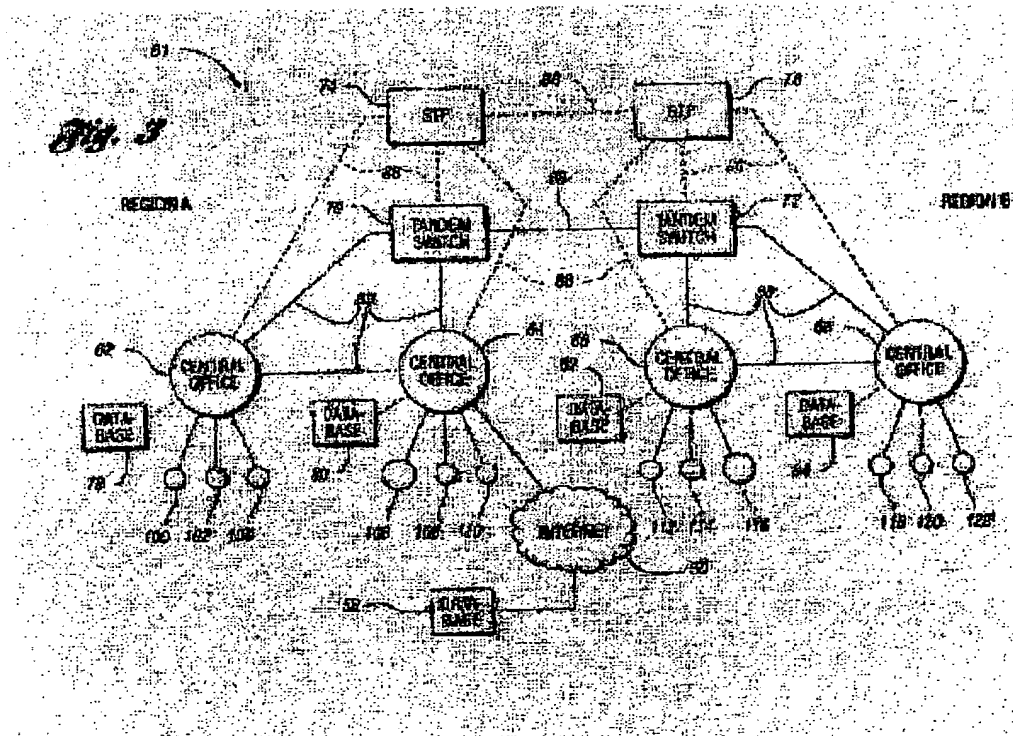
Regarding claims 1, 21, and 29, Lund teaches that steps of: a telephone line in communication with a telephone network (col. 2, lines 3-13); a display device (Fig. 1, 14), associated with the telephone line (col. 2, lines 3-13); a communications link between the display and the computer network (Fig. 1), wherein when a triggering event associated with the telephone line is detected, contents of the source computer are displayed on the display device during a data session via the communications link (col. 3, lines 16-36).

Claim 11 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Lund teaches the steps of: associating a telephone number of a telephone line with a network address of the source computer (col. 1, lines 48-54; col. 3, lines 26-48); storing a result of the associating step in a memory accessible to an equipment associate with the party, wherein the equipment is associated with a display device (Fig. 2 and 3; col. 3, lines 16-48).

Office Action, pp. 2-3.

The USPTO primarily relies on FIGS. 2 and 3 of *Lund* to allege the claimed subject matter of displaying contents of the source computer to the display device during a data session via a communications link between the display device and the computer network. However, as depicted below, FIGS. 2 and 3 of *Lund* merely depict (1) displaying contents of a database (not a source computer) and (2) a telecommunications session via a communications link between the display device and the computer network:

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If the USPTO uses FIGS. 2 and 3, then this drawing must "clearly show the structure which is claimed." *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir. 1928). Here, the USPTO asserts that a display 14 of CPE 10 displays contents of a source computer during a data session via a communications link of the display 14 and the Internet 50. However, the CPE 10 does not display or otherwise access a source computer (not shown), rather, the CPE 10 communicates with database 52 to retrieve a web page. Further, the communications connection of the CPE 10 with the Internet 50 is via the SSP 24 or Central Office 64 of telecommunications network and NOT via a computer network. Consequently, Lund fails to even remotely describe or suggest the claimed subject matter.

Furthermore, the Lund passages cited in the Office Action as well as other Lund passages do not even remotely disclose, teach, and/or otherwise suggest the claimed subject matter. Rather, Lund discloses:

The method of providing a Web page of a called party to a calling party i[s] illustrated by the diagram in FIG. 4 and comprises the steps of collecting the number dialed by an originating CPE, as a call is placed to the called party CPE,

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as indicated at block 54; querying a database 44 to retrieve the called party's URL based on the number dialed, as indicated in the block 56; using the URL to retrieve the called party's web page from a database 52, as indicated at block 58; and displaying the web page corresponding to that URL on the originating CPE 106 as indicated at block 60.

Once the originating CPE 106 receives the URL from the SSP 24, applications software in the CPE 106 retrieves and display[s] the Web page, associated with URL, that is stored in an Internet server database 52 as is well known in the art. . . .

U.S. Patent No. 5,978,806 to Lund, col. 3, lines 16-25 and lines 43-46 (emphasis added by Assignee).

Still further, in regards to claim 29, the USPTO alleges that claim 29 is rejected for the same reasons as claim 1. However, *Lund* fails to remotely teach, suggest, or otherwise address claimed subject matter of claim 29. See, U.S. Patent Application No. 09/893,910, claim 29. That is, the USPTO fails to address how each and every element of claim 29 is found in *Lund*. For example, the USPTO does not mention or otherwise suggest that *Lund* teaches "associating one or more network addresses of one or more source computers with one or more dialed communications addresses."

For these reasons and others, *Lund* does not disclose, teach, and/or otherwise suggest the claimed subject matter of independent claims 1, 11, 21 and 29. Assignee respectfully requests the USPTO to remove the rejection of independent claims 1, 11, 21 and 29 and of corresponding dependent claims 2-3, 6-10, 12-20, 22-28, and 30-36. The Assignee, then, respectfully requests allowance of these claims.

§103 Rejections:

The Office rejected claims 4-5 and 36 under 35 U.S.C. § 103(a) as being unpatentable over *Ginsberg* (U.S. Patent No. 6,064,730) in view of *Greenberg* (U.S. Patent No. 6,791,974). If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in